

Remarks

Claims 1-21 are pending in the application and were rejected. By this Amendment, claims 1, 2, 8-10, 12-18, 20 and 21 have been amended and claim 19 has been cancelled. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 103

Claims 1-7, 13-14 and 19-20 were rejected under § 103(a) as being unpatentable over U.S. Patent No. 5,602,535 issued to Boyles et al. (hereinafter “Boyles ‘535”) in view of U.S. Patent No. 5,955,981 issued to Rangan (hereinafter “Rangan ‘981”). Claim 1 has been amended to recite “a programming source disposed apart from the programmable transmitter module … for generating a programming signal” that “inhibits operation of the remotely controlled component during at least one programmable period corresponding to a period of time in which the automotive dealership is closed”. Boyles ‘535 does not disclose a programming source disposed apart from a programmable transmitter module or a programming signal that inhibits operation of the remotely controlled component during at least one programmable period corresponding to a period of time in which the automotive dealership is closed. Indeed, Boyles ‘535 is silent regarding these attributes. Rangan ‘981 does not cure the deficiencies of Boyles ‘535. More specifically, Rangan ‘981 does not teach or even remotely suggest a programming source disposed apart from a programmable transmitter module as required by amended claim 1. In the Office Action, the Examiner stated that the programming source consisted of “buttons 125, 130, 135 and 140” (see Office Action, page 3). However, these buttons are part of the remote keyless device 100 (see Figure 1 and column 2, lines 51-60). Furthermore, Rangan ‘981 does not teach or even remotely suggest a programming signal that inhibits operation during a period of time in which the automotive dealership is closed. For these reasons, Applicant believes the rejection of claim 1 has been overcome. Since claims 2-7, 13 and 14 depend on amended claim 1, Applicant believes the rejection of these claims has been overcome for the same reasons.

Claim 19 has been cancelled and claim 20 has been amended to depend on claim 21. Therefore, the rejection of these claims has been rendered moot.

Claims 12, 15-18 and 21 were rejected under § 103(a) as being unpatentable over Boyles '535 in view of Rangan '981 and further in view of U.S. Patent No. 6,029,102 issued to Elsman (hereinafter "Elsman '102"). These claims are discussed separately below.

Claim 12 depends on amended claim 1. As a result, Applicant believes the rejection of claim 12 has been overcome for the reasons previously discussed.

Claim 15 has been amended to recite a system for remotely controlling a component of a motor vehicle having "a transmitter module ... disposed apart from the programming device" that is adapted to provide a first control signal. The first control signal "is configured to inhibit the oscillator from transmitting the second control signal during specified periods of a time of day." Boyles '535 does not disclose such a system. Instead, Boyles '535 is silent regarding an oscillator, a transmitter module disposed apart from a programming device, or a first control signal provided by a programming device that inhibits the oscillator from transmitting during specified periods. Neither Rangan '981 nor Elsman '102 cures the deficiencies of Boyles '535. More specifically, Rangan '981 does not teach or even remotely suggest a programming device disposed apart from the transmitter module as discussed above with respect to the rejection of claim 1. Moreover, Rangan '981 does not teach or even remotely suggest a first control signal provided by the programming device that is configured to inhibit the oscillator from transmitting during specified periods of a time of day. Rather, Rangan '981 merely discloses a remote keyless entry device that requires "the user to wait until a predetermined 'authentication wait' period has expired" before entering operational commands into the remote keyless entry device (column 2, lines 14-17). Similarly, Elsman '102 does not disclose or even remotely suggest a programming device disposed apart from the motor vehicle, a first control signal, or programming of a time period as claimed. For these reasons, Applicant believes the rejection of claim 15 has been overcome. Since claims 16-18

depend on amended claim 15, Applicant believes the rejection of these claims has been overcome for the same reasons.

Claim 21 has been amended to recite the steps of "establishing a time period with the programming device", "communicating a signal based on the time period to the transmitter module" and "inhibiting operation of the transmitter module for a period of time based on the signal." Boyles '535 does not disclose these steps. Indeed, Boyles '535 is silent regarding any time period during which operation of the transmitter is inhibited, let alone the establishing, communicating, and inhibiting steps required by amended claim 21. Neither Rangan '981 nor Elsman '102 cures the deficiencies of Boyles '535. More specifically, Rangan '981 and Elsman '102 do not teach or even remotely suggest establishing a time period with a programming device, communicating a signal based on a time period, and inhibiting operations of a transmitter module based on the signal. Consequently, Applicant believes the rejection of claim 21 has been overcome.

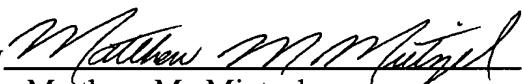
Claims 8-11 were rejected under § 103(a) as being unpatentable over Boyles '535 in view of Rangan '981 and further in view of U.S. Patent No. 5,157,610 issued to Asano et al. (hereinafter "Asano '610"). Claims 8-11 depend on amended claim 1. As a result, the rejection of these claims is believed to be overcome for the reasons previously discussed.

Conclusion

Applicant has made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

A check in the amount of \$440 is enclosed to cover the small-entity fees for a one month extension of time under 37 CFR §1.17(a)(1) and the Request for Continued Examination under 37 CFR §1.17(e). Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

By 
Matthew M. Mietzel
Reg. No. 46,929
Attorney for Applicant

Date: September 3, 2004

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351